

**REMARKS**

Claims 2-3 and 5-6 are pending in this application. The Office Action rejects claims 1, 3, 4 and 6 under 35 U.S.C. §103(a). Applicant hereby amends claims 2, 3, 5 and 6 and cancels claims 1 and 4. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Aguirrechea in the November 15, 2006 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

**I. Rejection Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1, 3, 4 and 6 under 35 U.S.C. §103(a) as unpatentable over Ella in view of Bradley. The Office Action asserts that Ella discloses every feature of the claimed invention except for a single piezoelectric layer which is not divided into separate layers for the respective FBARS, which is taught by Bradley.

Although Applicant does not necessarily agree with this rejection, allowable claims 2 and 5 have been amended to incorporate the subject matter of claims 1 and 4, and claims 3 and 6 are properly amended to depend from claims 2 and 5, respectively. Accordingly, the rejection is overcome and must be withdrawn. Reconsideration and withdrawal of the rejection are respectfully requested.

**II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: December 12, 2006

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